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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL BAIL APPLICATION NO.1474 OF 2016**

Santosh Khalate and Ors. ..Applicants.

V/s.

State of Maharashtra ..Respondent.

Mr.A.P.Mundargi, Senior Advocate i/b. Mr.Abhishek Yende for applicants.

Mr.S.S.Pednekar, APP for respondent-State.

**CORAM : A.M.BADAR, J.**

**DATED : 27TH JULY, 2016**

**P.C. :-**

1. Applicant / accused Santosh Khalate, Vikram Kalunkhe and Balasaheb @ Dattatrey Phadtare in Crime No.132/2016 for the offences punishable under section 307, 363, 365, 367, 143, 147, 148 and 149 of the Indian Penal Code registered with Phaltan Police Station, Pune by this application are praying for releasing them on bail after the filing of charge-sheet against them.

2. Heard the learned senior counsel appearing for applicants / accused. He argued that the informant had not

named anybody as accused of abducting her son. The learned senior counsel further argued that in the very first statement, the informant averred that at gun point, her son was lifted and put in a four-wheeler vehicle. In the statement, role of assaulting the injured is attributed only to applicant No.3 Balasaheb Phadtare. The learned senior counsel pointed out the supplementary statement of the injured and argued that the injured in his supplementary statement assigned the role to each and every applicant.

3. I have also heard the learned APP. In the submission of the learned APP, the offence is serious and feeling aggrieved due to his act of making complaint against accused persons, the informant was abducted and then there was an attempt on his life.

4. With the assistance of the learned counsel appearing for the parties, I have carefully perused the charge-sheet. The informant mother alleged that her son Yuvraj Shinde was abducted on 30<sup>th</sup> March, 2016 by 10 to 12 persons who came in four cars and subsequently, he was found in injured condition.

5. Statement of injured Yuvraj recorded on 31<sup>st</sup> March, 2016 shows that on gun point he was abducted by accused persons and then he was taken to brick kiln at Kavalban Wathar area. There he was assaulted by some of accused persons. In the statement, the injured has mentioned that applicant No.3 Phadtare had assaulted him along with co-accused by means of wire and iron rod. The injured further stated that in the morning hours, he was taken to a crusher where he assaulted and subsequently, he was left in front of Primary Health Centre of Village Taradgaon. After 16 days, supplementary statement of the injured was recorded which shows adding embellishments against additional accused persons. In the supplementary statement, the injured had stated that even applicants Santosh Khalate and Vikram Khalunke had assaulted him by means of an electric wire respectively.

6. Be that as it may, injury suffered by the injured which is worth mentioning is fracture of nasal bone. Now the investigation is over and charge-sheet is filed. The trial will take its own time. The learned APP submitted that there is

one more offence punishable under section 307 of the Indian Penal Code registered against applicant No.3 Balashaeb Phadtare. However, care of the criminal antecedents can be taken care of by imposing stringent conditions on all applicants. I see no reason to refuse bail to the present applicants considering the nature of injuries suffered by the victim in the crime in question and nature of evidence against present applicants. Hence the order :-

- (i) The application is allowed;
- (ii) Applicant / accused in Crime No.132/2016 for the offences punishable under section 307, 363, 365, 367, 143, 147, 148 and 149 of the Indian Penal Code registered with Phaltan Police Station, Pune be released on bail on their executing P.R. bonds in the sum of Rs.15,000/- each with one or more surety in the like amount by each of them;
- (iii) Applicants / accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of accusation against them so as to dissuade him / her from disclosing such facts either

to the Court or to any police officer and that he shall not tamper with the evidence;

- (iv) Applicants / accused shall co-operate for expeditious disposal of the Sessions Case by attending the trial Court on each and every date of hearing;
- (v) Applicants / accused shall not commit an offence similar to the offence of which he is accused or suspected of commission;
- (vi) The application is disposed of accordingly.

**(A.M.BADAR, J.)**